

AFJ 3624
RCW

Attorney Docket No. 3001 P 009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenneth Kiron and Kevin Bander

Application No.: 09/579,801

Confirmation No.: 8044

Filed On: May 26, 2000

Examiner: Steven R. Wasylchak

Art Unit: 3624

For: Open End Mutual Fund Securitization
Process

Commissioner for Patents
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

SUMMARY OF EXAMINER INTERVIEW OF JANUARY 27, 2005

On January 27, 2005 the undersigned, James P. Muraff, attorney for Applicant, and Applicant Kenneth Kiron conducted an interview with Examiner Steven R. Wasylchak and Primary Examiner Jagdish Patel. Applicant thanks Examiner Wasylchak and Primary Examiner Patel for the time spent to conduct this interview. The below summary constitutes the complete written statement required by 37 C.F.R. § 1.133 and complies with MPEP § 713.03.

A. Claims 90 and 95 were discussed along with the cited art of Lupien (US 5,101,353) and Fox (US 5,132,899).

B. During the interview, for the first time, the Examiner raised a concern, stated as an "objection" in the "Interview Summary," that claims 90-94 (and claims 130-133) may not comply with 35 U.S.C. §101 and/or MPEP §2106. Applicant does not necessarily agree with this position. Although no formal objection under 35 U.S.C. §101 and/or MPEP §2106 has been raised at this time regarding these claims, Applicant proposed to cancel claims 90-94 and 130-133 in order to move examination forward on the remaining claims in the present application. Therefore, any amendment to the remaining claims in this or in a related application, which may be considered to relate to these soon to be canceled claims, is not substantially related to patentability, as no formal rejection or objection has been made to date.

C. Applicant proposed to amend claim 95 to make clear that the price of the shares of the actively managed fund are listed/updated and traded in real-time, the shares being representative of the value of the securities within the actively managed fund.

D. REITS were also discussed.

Applicant will shortly file an Amendment, as discussed within the interview.

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Applicant requests that the Examiner call the undersigned attorney if the Examiner has any questions concerning this Summary, or if it will expedite the progress of this Application.

Respectfully submitted,

Date: February 28, 2005

By: 

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CERTIFICATE UNDER (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 28, 2005.


Gillian Gardner/218983